

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 73-2164
Date Received: 1/6/1990
Receipt No: E011506
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

OLD CORRALS & SAGEBRUSH LLLP Phone: (208)893-5333

435 S FITNESS PL
EAGLE ID USA 83616

2. Date of Priority: 10/06/1966

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14N	21E	24	SE NW NE	CUSTER	

5. Description of diverting works:

WELL AND PUMP DIVERT WATER TO PLACE OF USE THROUGH SPRINKLER IRR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	5	

7. Total Quantity Appropriated is:
5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
14N	21E	13	SW SE	IRRIGATION	40
Section Acres					40

14N	21E	24	NE	NE	IRRIGATION	18
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	39
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	38
			SE	NW	IRRIGATION	34
					Section Acres	209
14N	22E	18	SE	SW	IRRIGATION	38
			SW	SE	IRRIGATION	40
					Section Acres	78
14N	22E	19	NW	NW	1	IRRIGATION
					Section Acres	39
					Total Acres	366

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

CONSUMPTIVE USE INCLUDES WATER FROM ALL WATER RIGHTS SHOWN IN ITEM #13. THIS IS THE SAME WELL AS SHOWN ON LIC. #73-7000
CHANGED OWNERSHIP PER REQUEST/CV/09-11-00

15. Basis of Claim: License

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 73-02164
Date Received: 1/6/90
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SULPHUR CREEK LIVESTOCK Phone: (208)876-4405

PO BOX 151
MAY ID 83253

2. Date of Priority: 10/06/1966

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
14N	21E	24	SE NW NE	CUSTER

5. Description of diverting works:

WELL AND PUMP DIVERT WATER TO PLACE OF USE THROUGH SPRINKLER IRR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	5	

7. Total Quantity Appropriated is:
5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	21E	13	SW	SE	IRRIGATION	40
					Section Acres	40
14N	21E	24	NE	NE	IRRIGATION	18
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	39
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	38
			SE	NW	IRRIGATION	34
					Section Acres	209
14N	22E	18	SE	SW	IRRIGATION	38
			SW	SE	IRRIGATION	40
					Section Acres	78
14N	22E	19	NW	NW	1 IRRIGATION	39
					Section Acres	39
					Total Acres	366

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

CONSUMPTIVE USE INCLUDES WATER FROM ALL WATER RIGHTS SHOWN IN ITEM #13. THIS IS THE SAME WELL AS SHOWN ON LIC. #73-7000
CHANGED OWNERSHIP PER REQUEST/CV/09-11-00

15. Basis of Claim: License

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase No. 73-02164

STANDARD FORM 5

STIPULATED ELEMENTS OF
WATER RIGHT

2009 JUL 17 AM 10:27

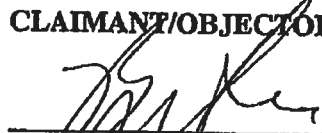
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:


Brett MacNeil, limited power of attorney for: Date
Old Corrals & Sagebrush LLLP, Rio B LLC,
HWHL LLC, Normco LLC, Rio Claro Inc.,
and Charlesview LLC

IDWR Concurrence:


Craig Saxton Date 8/13/09
Senior Water Resource Agent


Chris Bromley Date 8/13/09
Deputy Attorney General
Attorney for IDWR

08/05/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-2164

NAME AND ADDRESS: OLD CORRAL & SAGEBUSH LLLP
435 S FITNESS PL
EAGLE ID 83616

RIO B LLC
3007 CAN-ADA RD
MELBA ID 83641

MWHL LLC
1711 N CHERAPPE DR
OREM UT 84097

NORMCO LLC
10424 S 2700 W
SUITE 200
SOUTH JORDAN UT 84095

RIO CLARO INC
1819 E SOUTHERN AVE #B-10
MESA AZ 85204

CHARLESVIEN LLC
1819 E SOUTHERN AVE #B-10
MESA AZ 85204

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.000 CFS
1,281.00 AFY

Right Nos. 73-2164 and 73-7000 are limited to a total combined diversion rate of 7.6 cfs.

PRIORITY DATE: 10/06/1966

POINT OF
DIVERSION:

T14N R21E S24 SENWNE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 10/01

5.000 CFS
1,281.00 AFY

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in CUSTER County

T14N R21E S13	SWSE	40.00	T14N R21E S24	NENE	18.00
T14N R21E S24	NWNE	40.00	T14N R21E S24	SWNE	39.00
T14N R21E S24	SENE	40.00	T14N R21E S24	NENW	38.00
T14N R21E S24	SENW	34.00	T14N R22E S18	SESW	38.00
T14N R22E S18	SWSE	40.00	T14N R22E S19 Lot 1 NWNW		39.00

366 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 961.5 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.



EXPLANATORY MATERIAL: BASIS OF CLAIM - License

f
CB

CERTIFICATE OF MAILING

I certify that on Aug 14th, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

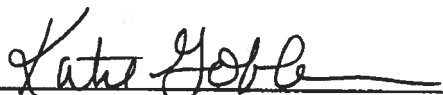
1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BRETT MAC NEIL
SCYTHER & SPADE CO
453 S FITNESS PL
EAGLE, ID 83616

OLD CORRALS & SAGEBRUSH LLLP
435 S FITNESS PL
EAGLE, ID 83616



Signature of person or attorney mailing form

RECEIVED

DEC 19 2007

DEPARTMENT OF
WATER RESOURCES

2007 DEC 17 PM 2 07

IN THE COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

A. Subcase 73-2164

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Old Corrals and Sagebrush LLLP
Address: 435 S. Fitness Place
Eagle, ID 83616

Daytime Phone: (208) 893-5333

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Old Corrals and Sagebrush LLLP
Address: 453 S. Fitness Place
Eagle, ID 83616

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate boxes.)

1. ☐ Name and Address

Should be: _____

2. ☒ Source

Should be: 3 Wells located in the NWNE Section 24 and SWSE Section

13 Township 14N Range 21E; SWSW Section 17 Township 14N Range 22E

* 14N 21E 24 NWNE
13 SWSE
14N 22E 17 SWSW

3. ☐ Quantity

Should be: _____

4. ☐ Priority Date

Should be: _____

5. ☒ Point(s) of Diversion

Should be: 3 Wells located in the NWNE Section 24 and SWSE Section

13 Township 14N Range 21E; SWSW Section 17 Township 14N Range 22E

6. ☐ Instream Flow Description

Should be: _____

7. ☐ Purpose(s) of Use

Should be: _____

8. ☒ Period of Year

Should be: As per historical use, March 1st to November 1st or otherwise consistent with all other irrigation users in the Basin.

9. ☐ Place of Use

Should be: _____

10. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Refer to Limited Power of Attorney on File with IDWR.

F. VERIFICATION (Must be completed)

State of Idaho)
)ss.
County of Ada)

Brett MacNeil, duly sworn, upon oath, deposes and says:

That I am the party filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]

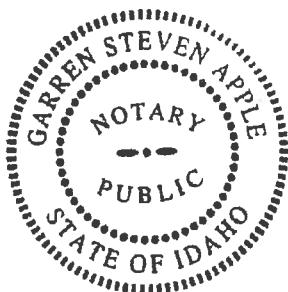
Subscribed and sworn to before me on: 12/17/2007

[Signature]

Notary Public for Sawtooth Spade Co.

Residing at: Nampa

My Commission Expires: 8/12/2011



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 12/17, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right:

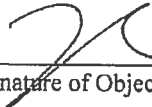
Name: Old Corrals & Sagebrush LLLP
Address: 453 S. Fitness Place
Eagle, ID 83616

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

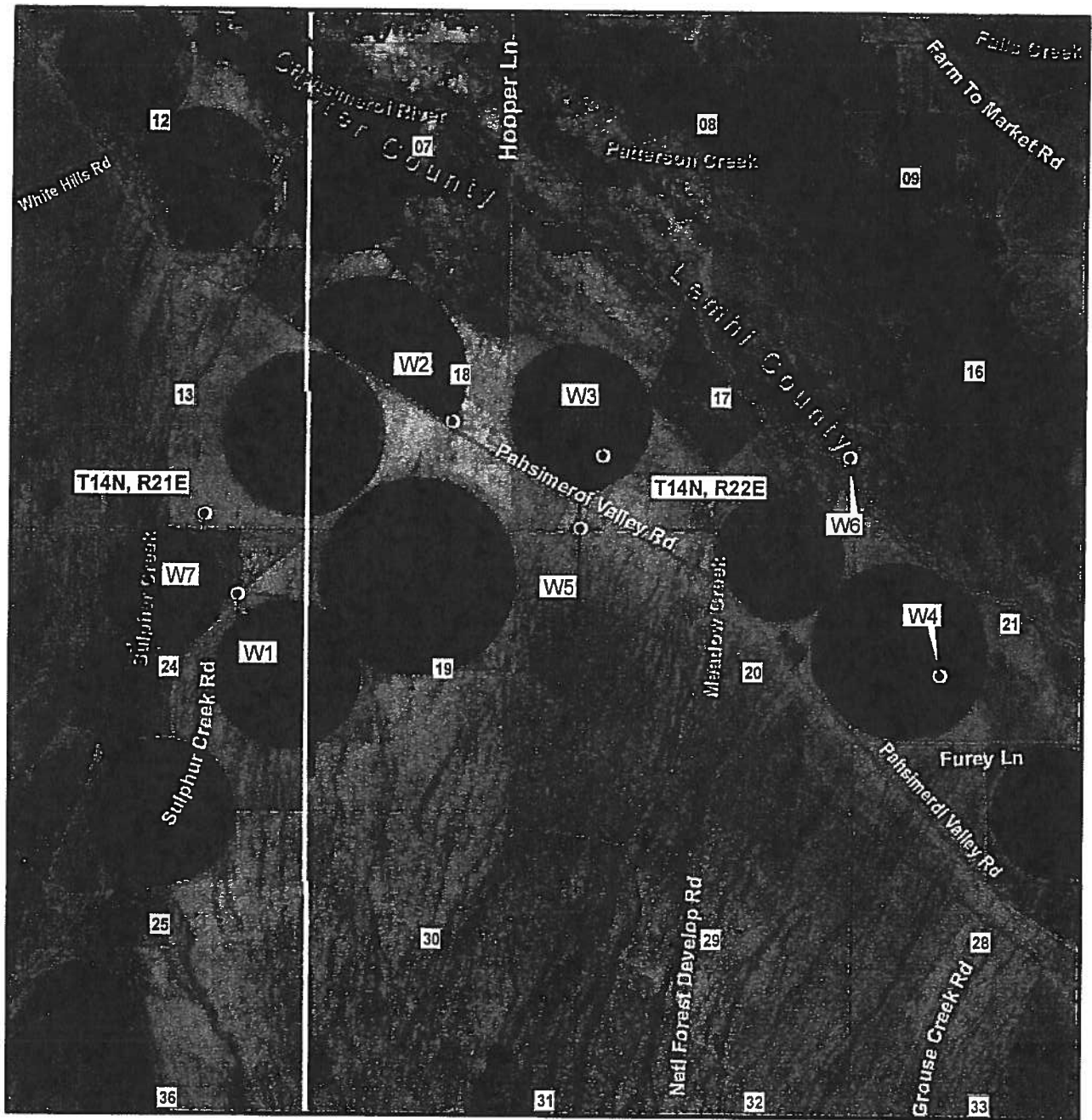
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney

Well Locations



-  County
-  Township/Range
-  Section
-  Well



08/14/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-2164

NAME AND ADDRESS: OLD CORRALS & SAGEBRUSH LLLP
435 S FITNESS PL
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.000 CFS
1,281.00 AFY

Right Nos. 73-2164 and 73-7000 are limited to a total combined diversion rate of 7.6 cfs.

PRIORITY DATE: 10/06/1966

POINT OF
DIVERSION:

T14N R21E S24 SENWNE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 10/01	5.000 CFS 1,281.00 AFY

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CUSTER County

T14N R21E S13	SWSE	40.00	T14N R21E S24	NENE	18.00
T14N R21E S24	NWNE	40.00	T14N R21E S24	SWNE	39.00
T14N R21E S24	SENE	40.00	T14N R21E S24	NENW	38.00
T14N R21E S24	SENW	34.00	T14N R22E S18	SESW	38.00
T14N R22E S18	SWSE	40.00	T14N R22E S19 Lot 1 NWNW		39.00

366 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 961.5 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



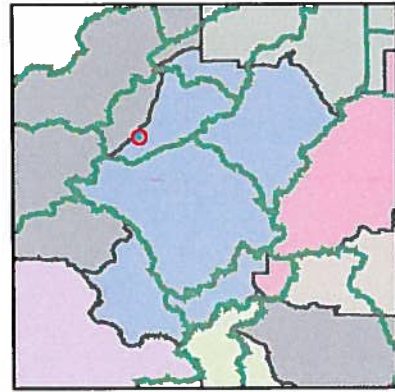
Idaho Department of Water Resources

Adjudication Claim:

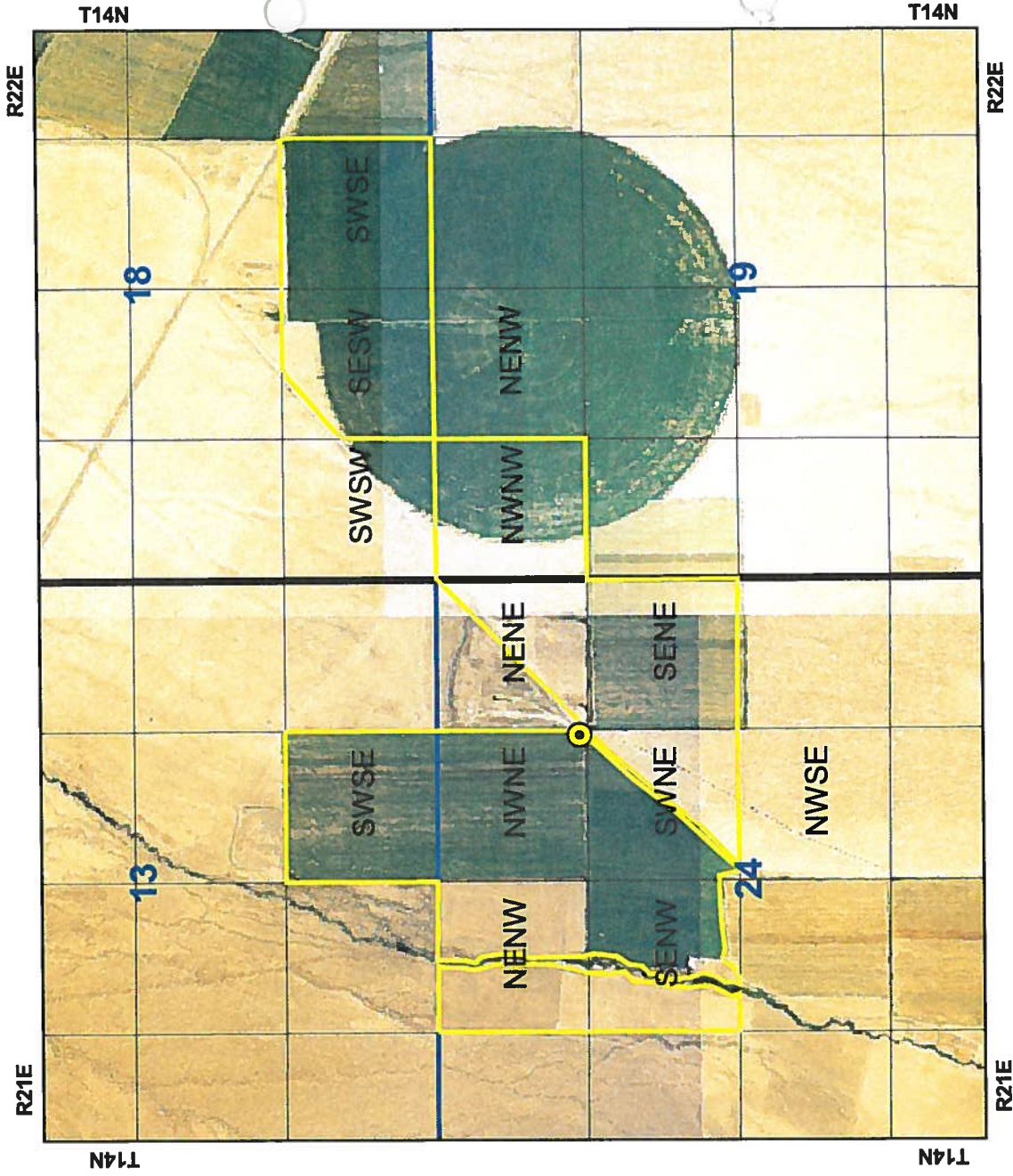
73-2164

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Custer County
IDWR Basin 73



0 0.6 1.2 Miles

Prepared by R. Brown
On Friday, March 31, 2006
1987/88 Aerial Photography

03/31/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-2164
NAME AND ADDRESS: SULPHUR CREEK LIVESTOCK
PO BOX 151
MAY ID 83253
SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 5.000 CFS
1,281.000 AFY
Right Nos. 73-2164 and 73-7000 are limited to a total combined diversion rate of 7.6 cfs.
PRIORITY DATE: 10/06/1966
POINT OF DIVERSION:
T14N R21E S24 SENWNE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 10/01	5.000 CFS 1,281.00 AFY

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CUSTER County

T14N R21E S13	SWSE	40.00	T14N R21E S24	NENE	18.00
T14N R21E S24	NWNE	40.00	T14N R21E S24	SWNE	39.00
T14N R21E S24	SENE	40.00	T14N R21E S24	NENW	38.00
T14N R21E S24	SENW	34.00	T14N R22E S18	SESW	38.00
T14N R22E S18	SWSE	40.00	T14N R22E S19 Lot 1	NWNW	39.00

366 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 961.5 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Sulphur Creek

✓ 73-2B 5/1/1884 0.6 cfs *

✓ 73-7A 7/20/1915 1.0 cfs 80 acres

✓ 73-7B 9/16/112 1.0 CFS X

✓ 73-8B	1/20/1910	1.2 cfs	60 acres
---------	-----------	---------	----------

✓ 73-113 5/11/1911 2.8 cfs 160 acres*

73-140 12/15/1894 3.2 cfs 160 acres⁺

460 acres

Groundwater

73-2164	10/6/1966	5.0 cfs	366	XX
---------	-----------	---------	-----	----

73-7000 10/26/1967 3.0 cfs $\frac{232}{598}$ XX

* trans. #1576 / 160 acres total

+ trans. #1577

x same POL as 73-7A, per decree

XX same POD as 73-7000

Total PPU = 961.5 acres

R/Brown 3/31/06

73-2164

-1-

MEMORANDUM

TO: Files Referenced in Review
FROM: Roberta Garrett *rg*
THRU: Dave Tuthill *DT*
DATE: March 13, 1985

RE: Review of Sulphur Creek Decreed Rights Split by Decree
With Reference to Julius Maelzer's Rights in the Following Decrees:

Cochran vs. Maelzer (10-3-1901)
Hamilton vs. Swendsen (2-17-1926)
Maelzer vs. Smith (4-29-1920)
Herder vs. Burstedt (12-30-1957)

Right No. 73-0002, Cochran vs. Maelzer (10-3-1901)

The decree of Holiday H. Cochran vs. Valentine Maelzer dated October 3, 1901, awarded Cochran 370 inches (7.4 cfs) of the waters of Sulphur Creek dating from the years 1884 and 1891.

Of the 7.4 cfs waters of Sulphur Creek awarded to Cochran, 0.6 cfs (5-1-1884) was decreed to Julius Maelzer (No. 73-0001) in the decree of Roscoe Hamilton vs. W. G. Swendsen, date of February 17, 1926. The decree of 1926 split right No. 73-0002 with 6.8 cfs to Cochran and 0.6 cfs of Sulphur Creek water to Julius Maelzer.

Right No. 73-0002A, Cochran vs. Maelzer (10-3-1901)
and
Right No. 73-0002B, Hamilton vs. Swendsen (2-17-1926)

To reflect this split by decree, right No. 73-0001 is renumbered and changed to 73-0002B to identify the 0.6 cfs decreed to Julius Maelzer that was a part of Cochran's 1884 decreed right. 73-0002A is

MICROFILMED

issued to Holiday H. Cochran for his remaining 6.8 cfs from Sulphur Creek.

Right No. 73-0113 Hamilton vs. Swendsen (2-17-1926)
and
License No. 73-2079 issue date of August 7, 1916

In addition to the 0.6 cfs, No. 73-0002B (formerly 73-0001), Julius Maelzer was awarded 2.8 cfs (5-11-1911) of the waters of Sulphur Creek, decreed right No. 73-0113. At the date of the decree in 1926, the Department had on record License No. 73-2079 issued to Julius Maelzer for 3.0 cfs (5-8-1912) of the waters of Sulphur Creek for the irrigation of 150 acres. Julius Maelzer and his lands described in the license were enjoined in the decree of 1926. License No. 73-2079 is considered superseded by decree of Hamilton, et al. vs. Swendsen, et al., right No. 73-0113.

Right No. 73-0002B Trans. No. 1576
and
Right No. 73-0113 Trans. No. 1576

Bolen Uresti made Application for Transfer of the waters of Sulphur Creek in the 1926 decree of the rights under the name of Julius Maelzer. The transfer, approved December 17, 1968, removed 0.6 cfs, right No. 73-0002B (formerly 73-0001), and 2.8 cfs, right No. 73-0113, off the lands described in the decree to 160 acres in the SE4, Sec. 24, T.14N., R.21E.

License No. 73-2164, groundwater (10-9-1966). The lands described in the decree of 1926, or a portion thereof, along with other lands were placed under irrigation from a groundwater right, License No. 73-2164, with a priority date of October 9, 1966. The

MICROFILMED

land described in the decree identified on the licensed right is as follows:

T.14N., R.21E.

Sec. 13: SW4SE4 (40 acres)

Sec. 24: NW4NE4 (40 acres)
NE4NW4 (38 acres)
SE4NW4 (34 acres)

Also appurtenant to the above described land is decreed right No. 73-0141 (number changed to 73-0008B) for 1.2 cfs (60 inches) of the waters of Sulphur Creek in the decree of December 30, 1957, William S. Herder and Blanche A. Herder vs. Claus Burstedt.

Right No. 73-0008, Maelzer vs. Smith (4-29-1920)

and

Right No. 73-0141, Herder vs. Burstedt (12-30-1957)

The decree of Valentine Maelzer, et al. vs. J. H. Smith, et al., dated April 29, 1920, awarded J. A. Harrington a priority date of January 20, 1910, for 120 inches (2.4 cfs) of the waters of Sulphur Creek, right No. 73-0008. The lands were described as follows:

T.14N., R.21E.

Sec. 13: NE4NE4

T.14N., R.22E.

Sec. 18: NW4SW4

The decree of William S. Herder and Blanche A. Herder vs. Claus Burstedt, et al., dated December 30, 1957, declared 60 inches of the waters of Sulphur Creek appurtenant to Lot 3 (NW4SW4), Sec. 18, T.14N., R.22E., last above described land, to be forfeited, abandoned after date of April 29, 1920, by Harrington, owner of the right (No. 73-0008), in the decree of 1920.

MICROFILMED

The Herders were awarded the 60 inches (1.2 cfs), as against defendant Burstedt, by open, notorious and adverse use of such water since 1943, and by the appropriation and use of the said water by the Herders and their predecessors in interest from the year 1920.

The use of the water was placed under the provisions of the decree dated February 17, 1926, under the name of Julius Maelzer. The lands described in the decree of 1957 are the same lands under Julius Maelzer's rights, Nos. 73-0002B and 73-0113, prior to Transfer No. 1576.

T.14N., R.21E.

Sec. 13: SW4SE4

Sec. 24: NW4NE4, E2NW4

The decree of 1957 split right No. 73-0008 from Sulphur Creek with 1.2 cfs (60 inches) to J. A. Harrington and 1.2 cfs (60 inches) to the Herders.

Right No. 73-0008A, Maelzer vs. Smith (4-29-1920)

and

Right No. 73-0008B, Herder vs. Burstedt (12-30-1957)

To reflect this split by decree, right No. 73-0141 is renumbered and changed to 73-0008B to identify the 60 inches (1.2 cfs) of the waters of Sulphur Creek awarded to the Herders that was a part of the 120 inches (2.4 cfs) decreed to J. A. Harrington. 73-0008A is issued to Harrington for the remaining 60 inches (1.2 cfs) of the waters of Sulphur Creek appurtenant to the NE4NE4, Sec. 13, T.14N., R.21E.

MICROFILMED

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 33158/73-2164 Priority Oct. 9, 1966 Amount 5.0 cfs
(late proof)

THIS IS TO CERTIFY, that BOLEN URESTI & BEVERLY URESTI
of Challis, Idaho, have, ~~xxx~~ complied with the terms and conditions of Permit
No. 33158/73-2164 issued pursuant to Application for Permit dated September 2, 1966,
and has submitted proof to the Department of Water Administration on October 19, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 5.51 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 5.0 cfs for Irrigation from March 1 to Oct. 1 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 5.0 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 24, Twp. 14 N, Rge. 21 E, B.M.

in the county of Custer; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1,104 acre feet per year or _____
3.0 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14 N	21 E	13															40		40
		24	20	40	39	40	38			34									211
14 N	22 E	18												38			40		78
		19						39	(lot 1)										39

Total number of acres irrigated 368

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 17th day of

July, 19 73.


Director

73 2164

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder BOLEN URESTI
Post office address DBA Sulphur Creek Ranch, Challis, Idaho Phone _____
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 5.0 c.f.s. for irrigation
_____ AF/Annum (nature of use)

Period of Use: from March 1 to October 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 73-2164
Examination for Beneficial Use

4. Total amount to be appropriated:

Max Rate of Diversion 5.0 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 14N N/S, Range 21E E/W, B.M., Section 24, Subdivision NW 1/4 NE 1/4, Custer County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County

Other Points of Diversions: _____

Description of diverting works: Layne pump, SDH10, centrifugal turbine, all land under sprinkler irrigation - 350 Hp electric, well is 350 ft. deep, casing is 24" mainline

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14N	21E	13															40		40
		24	40	40	40	40	40			40									240
14N	22E	18											40				40		80
		19						Lot #1											40

RECEIVED

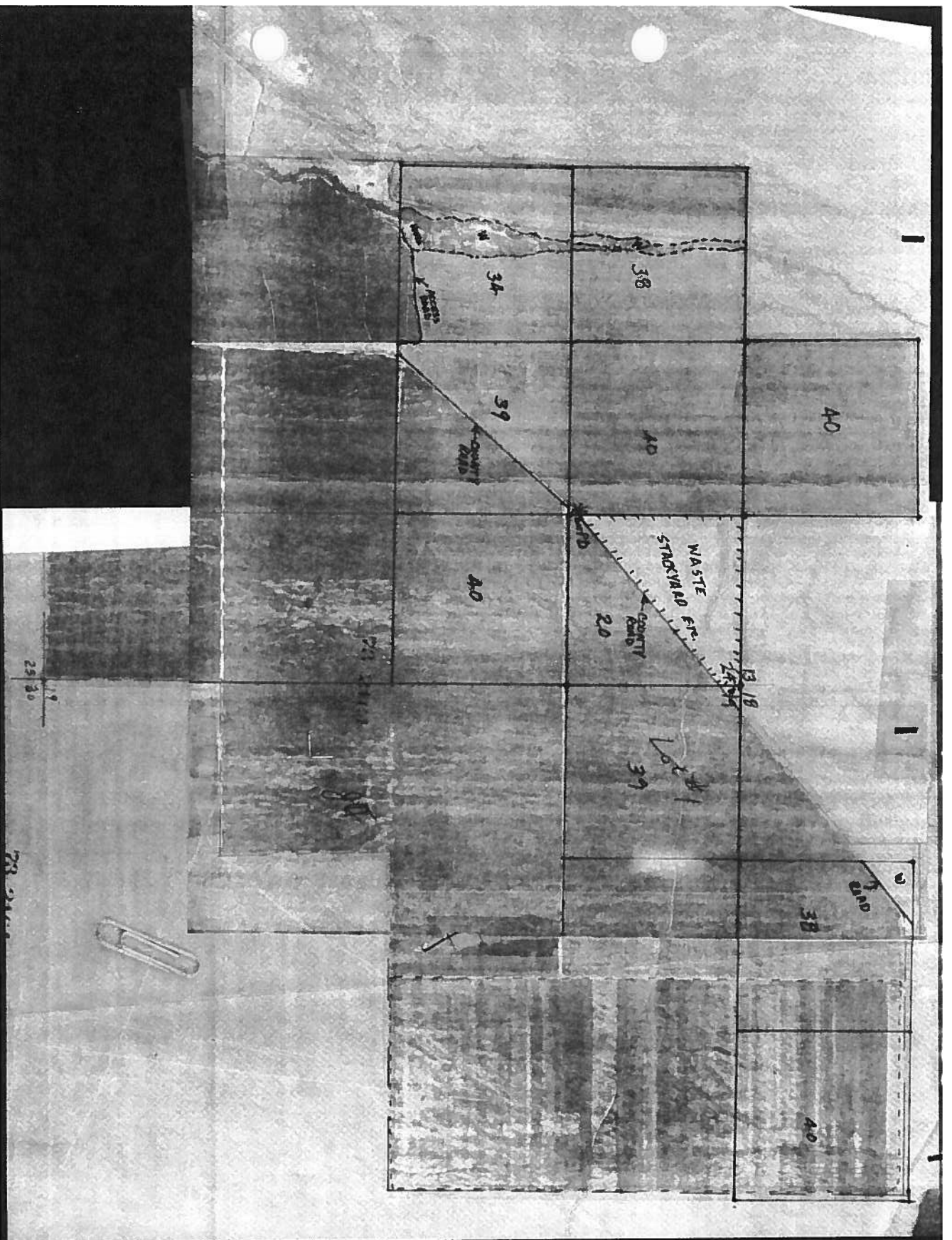
73-2164

JAN 10 1972

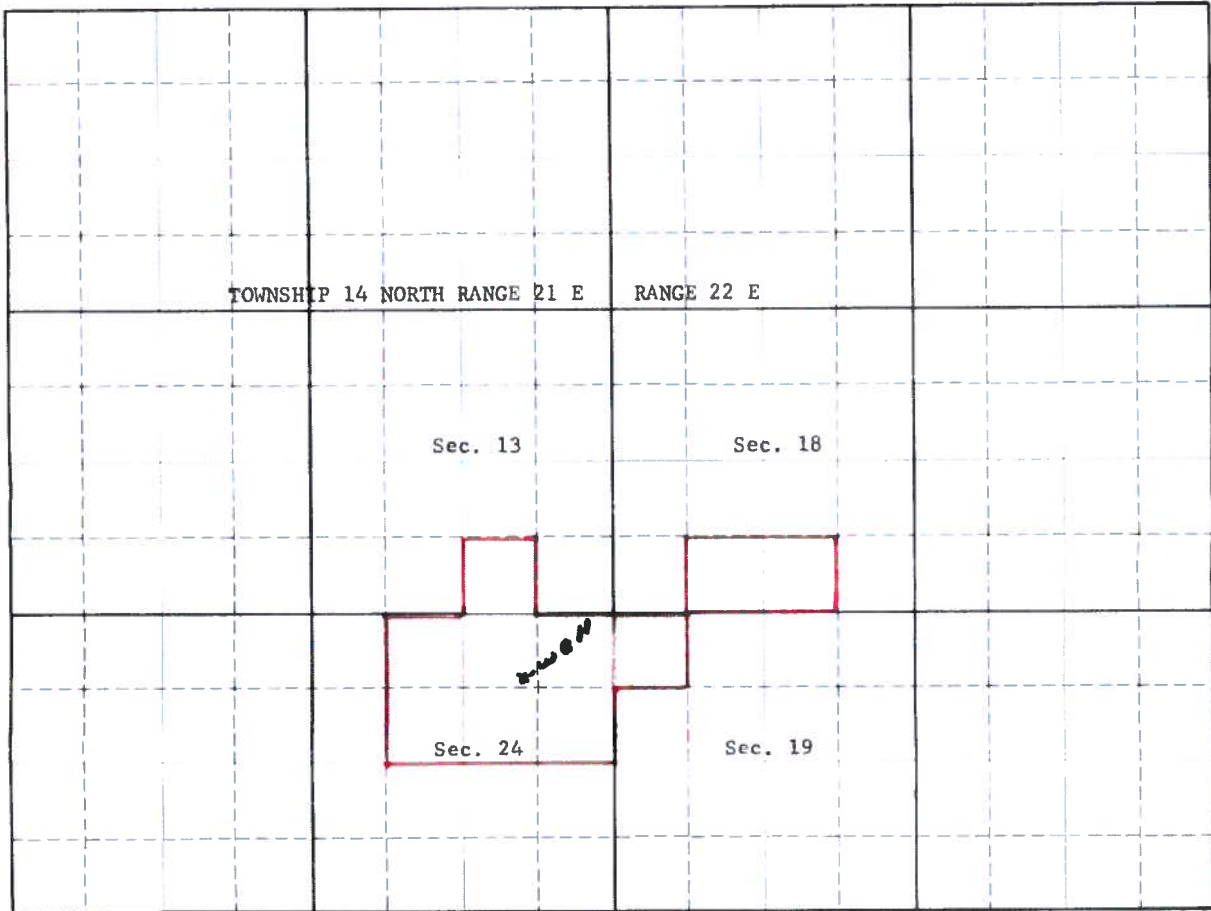
Department of Water Administration
Eastern District Office

TOTAL ACREAGE

400



Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Boise, this 6th day of September, 1961.

Harley M. M. Russell
(signature)
Deputy State Reclamation Engineer

ACTION OF STATE RECLAMATION ENGINEER

I, JACK A. BARNETT (Deputy), State Reclamation Engineer of the State of Idaho, hereby approve the above amendment with the condition that the water be developed for use during an irrigation season of March 1 to October 1 of each year.

Witness my hand this _____ day of _____, 19____.

Jack A. Barnett
Deputy State Reclamation Engineer

33158

DATE OF EXAM May 17, 1973

ACREAGE
Found 368
Recommended 368

Irrigation Requirement 3 Ac Ft/Ac

USE
Irrigation Q = 5 c.f.s. V = 1104 AF/Ann. from Apr. 1 to Oct 31
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: N/A
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____ Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no ☒

Name source exchanged with: N/A
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____ Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____ Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____ Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 5.51 CFS. Method of measurement McCrometer meter

Total Q recommended 5 CFS Meter No. 7312163 Type large saddle Condition good

Total V recommended 1104 AF

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

Meter measured 435.6 cu. ft of water in 79 seconds or
5.5 CFS

$V = (368 \text{ acres})(3 \text{ AF/ANN})$

SYSTEM DESCRIPTION:

350 HP U.S. Holloshaft Motor serial # 1409096 w/ L-B pump
no serial no on plate 10" discharge to check valve where discharge
increases to 12" - then 5' of discharge to meter - 1' beyond meter
main line 4" to south and east.

REMARKS:

Boles Uresti showed system to examiner
Mrs. Uresti offered no qualification of the March 1 starting
date during this exam.

See site on amendment 1 du

Examiner's Signature John Ferchauer Date May 17, 1973

Checked by Norman C. Young P.E. Date May 30, 1973

Approved by _____ Date _____